File No. 526(21)

1931.

Pg 15 Collection No. (21)

Mysore Residency

Bangalore.

Pros. Serial Nos. 1-6

Subject.

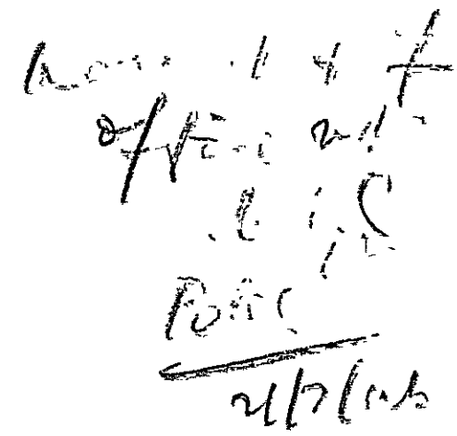
Acquisition of land by the Municipal Commission from Mr. S.Ismail and Mr. & Mrs. Nicholas for forming a new road.

Previous References.

Later References.

S. 97—(Blue).

MFP—168S&P—(M-184)—11-8-34—60,000.



NOTES AND PRECIS.

Please see para 4 ante.

5

The land proposed for acquisition consists of two parts. One part which measures 4913 Sq. ft. is owned by Mr. and Mrs. A.J. Nicholas. The other part measures 96 3/16 Sq.ft., and is owned by Mr. S. Ismail. Mr. Ismail has not raised any objection to the acquisition of his land. Mr. Nicholas states that he has no objection to the purchase of the land, but he is not willing to part with 33 feet, as by doing so, he says, that the latrine will be taken away, and that another cannot be suitably erected in any other part of the compound without causing an amount of inconvenience. He is therefore willing to part with only 29 feet of the land. He has also made a further statement before the Collector that the proposed acquisition will take away from his compound a strip of land adjoining his existing building, which land, but for the proposed acquisition would have been of permanent financial advantage to him if allowed to be built upon. Those two objections fall within grounds (c) and (d) of the grounds on which objections can be taken to the acquisition under rule 2 of the Land Acquisition Rules. But the Collector, C & M Station, Bangalore, says that the width of the proposed road cannot be reduced any further. He also says that the objection that the acquisition will be of permanent financial disadvantage to the owner of the land is untenable

vide Column 4 of the draft put up

@ S.N. 5/a Enc. to p.u.c

£ S.N. 5/b Enc. to p.u.c.

S.N. 9/a 242-1894

G

S.N. 5

P.u.c

S.N. 5
p.u.c.

untenable since it merely contemplates the possibility of the owner making use of the land at some future date if the Commission were prepared to allow further building thereon.

6

S.N. 5/c
Enc. to p.u.c.

As regards the latrine the President, Municipal Commission, states that a new latrine can be constructed on the land immediately adjoining the width proposed to be acquired.

7

In the above circumstances the objections raised by the owner appear to deserve no consideration . Orders may therefore be passed under Rule 6 of the Land Acquisition Rules to proceed with the acquisition.

S.N. 9/a
242-1894

G

The draft already submitted may issue.

Sheriff
9.1.34

P.K.N.
9.1.34

(From para 5)

Secy

S.N. 6.

Issued No. 3, dated the 11th January 1934.

CORRESPONDENCE.

A 576

No. 2736 -D-33. Encl and Plan

OFFICE OF THE COLLECTOR,
CIVIL AND MILITARY STATION, BANGALORE.

Dated 2nd June 1933.

FROM

G.H.Cooke Esq., M.C., I.C.S.,
COLLECTOR, CIVIL AND MILITARY STATION,
BANGALORE.

OFFICE OF THE RESIDENT IN MYSORE.
BANGALORE.
6 JUNE 1933
Regd. No. 4955
Sec. No. 526-31

Nil inclr
6.6.33

To

The Secretary to the Hon'ble
the Resident in Mysore, Bangalore.

SIR,

Land Acquisition- Land in No.1, Church Street- Forming a new road.

I forward herewith a draft Notification under Section 4(1) of the Land Acquisition Act for favour of approval and publication in the Mysore Residency Orders. I also enclose a plan of the land for reference and favour of return.

Note put up

The cost of acquisition will be borne by the Municipal Commission.

I have the honour to be,

Sir,

Your most obedient servant,

DESPATCHED
5 - JUN. 1933

COLLECTOR.

prr

4

THE HON'BLE THE RESIDENT IN MYSORE.

Notification under Section 4 (1) of Act I of 1894.

No. 69 Bangalore, the 14th July 1933.

It is hereby notified that the land described in the schedule hereunder is needed for a public purpose, namely, for forming a new road.

SCHEDULE OF LAND.

Where situated.	Name of owner.	Description of land.	Area.	Boundaries.				Remarks.
				North	East	South	West	
Church Street, Civil & Military Station, Bangalore.	Mr. A. Nicholas.	Vacant land (parts of bungalow compound) Parts of Nos.1 & 2, Church Street.	4913 sq.ft.	Church Street.	No.2, Church Street.	Compound of No.2, Museum Road & No.3 Church Street.	Premises No.1, Church Street.	The plan can be seen in the Collector's Office.
	Mr. S. Ismail, Millers Road.		96 3/16 or 96 sq.ft.					

o/c

Major,
SECRETARY TO THE RESIDENT.

To be published in the Mysore Residency Orders.

Copy to the Collector, Civil and Military Station, Bangalore, with reference to his letter No.2736-D-33, dated the 2nd June 1933.

S.N.I A

ASB

5

No. 2736-D-33. Est Hand / Plan

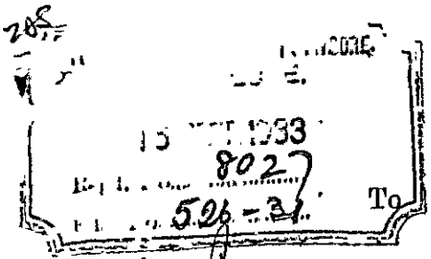
VL 14/S

Office of the Collector,
Civil and Military Station, Bangalore.

Dated 9th September 1933.

FROM

G.H. Cooke Esq., M.C, I.C.S.,
COLLECTOR, CIVIL AND MILITARY STATION,
BANGALORE.



To

The Secretary to the Hon'ble
the Resident in Mysore, Bangalore.

Nil under
15.9.33

SIR,

Land Acquisition- Land in parts of Nos. 1 & 2, Church Street- Forming a new road- Residency Notification No.49 dated 14th July 1933.

S.N. 4
D

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In response to the notice issued under rule 1 of Land Acquisition Rules, I received an objection petition from one of the owners of the lands proposed for acquisition (copy enclosed). I heard the objector under section 5 (a) (2) of the Act and also the Municipal Engineer and enclose copies of the statements recorded from the owner and of that filed by the President, Municipal Commission in answer to the objection.
On the eastern side of the land proposed to be acquired there are valuable buildings which cannot be acquired. On that side there is also an underground sewage over which a road cannot be laid. Thus the width of the proposed road cannot be reduced any further. Furthermore the objection is untenable since it merely contemplates the possibility of the owner making use of the land at some future date if the Commission were prepared to allow further building thereon. The laying out of a road in the locality has become a real necessity in order to connect the Church Street with the road in the Mango Dell. I therefore request that the Hon'ble the Resident may be pleased to over-rule the objection and direct the acquisition of the land.

G
K
S.N. 5/a infra
S.N. 5/b infra
S.N. 5/c infra

T

To save delay I am enclosing a draft declaration under section 6 of the Act for favour of approval and publication in the Residency Orders.

I also enclose a fresh blue print plan in lieu of the one forwarded with my No. 2736-D-33 dated 2nd June 1933.

S.N. 1
A

I have the honour to be,

Sir,

Your most obedient servant,

COLLECTOR.

prr

5/a

21-8-33

~~Copy of~~ Letter from Mr. ~~E~~.A.J.Nicholas, No. 1, Church Street, Bangalore, to the Collector of Civil and Military Station, Bangalore, ~~dated 21st August 1933~~

With reference to your notice No. 2736/D-33 dated 19th July 1933, re: the acquisition of a portion of my property for the construction of a road, I have to state as follows:--

The ~~property~~ property in question belongs to my wife and myself. We have no objection to the purchase of the land but we are not willing to part with 33 feet a y doing so, the latrine will be taken away, and another c ot be suitably erected in any other part of the compound without causing an amount of inconvenience. We, therefore, are willing to part with 29 feet only which we trust will meet with approval.

As regards the price which we claim, and other considerations, they will be found in the report gigen to the Revenue Inspector on the18th August.

Copy

M. Ecclesiastes

Shirastadar 13-9-33.

5/b

~~Copy of~~ Statement of Mr. A.J.Nicholas, before the Collector, Civil & Military Station Bangalore, ~~dated 6th September 1933.~~

My chief objection to the acquisition is that it will take away from my compound a strip of land adjoining ~~the~~ existing building, which the Commission might have allowed me to extend into the strip proposed to be acquired, and which would have been of permanent financial advantage to me.

This statement is ~~on~~ behalf of myself and my wife who are joint-owners of the property.

Sd. A.J.Nicholas.
6-9-33

Before me
Sd. G.H.Cooke 6-9-33

13-9-33

THE HON'BLE THE RESIDENT IN MYSORE.

Notification.

Dated Bangalore, the 11th January 1934.

No. 3

Whereas it appears to the Hon'ble the Resident in Mysore that land is required for a public purpose, namely, for forming a new road.

It is hereby declared that the undermentioned land is required for the said purpose.

This declaration is made under the provisions of section 6 of Act I of 1894 as applied to the Civil and Military Station of Bangalore, and under Section 7 of the said Act, the Collector of the Civil and Military Station is hereby directed to take order for the acquisition of the said land.

SPECIFICATION OF LAND.

Where situated.	Name of owner	Description of land.	Area	Boundaries.				Remarks.
				North	South	East	West	
Church Street, Civil and Military Station, Bangalore.	Mr.& Mrs.Nicholas, No.1,Church Street Mr. S. Ismail, Millers Road.	Vacant land (parts of bungalow compound) parts of Nos.1 & 2, Church Street.	4913 Sq. ft. 96 3/16 or 96 Sq. ft.	Church Street.	No.2, Church Street.	Compound of No.2, Museum Road and No.3, Church Street.	Premises No.1, Church Street.	The plan can be seen in the Collector's Office.

Major,
SECRETARY TO THE RESIDENT.

To be published in the Mysore Residency Orders.

Copy to the Collector, Civil and Military Station, Bangalore, with reference to his letter No.2736-D-33, dated the 9th September 1933, for favour of necessary action. The plan of the land is returned herewith.

GS.